

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GRISSEL NUNEZ, as Parent and Natural Guardian of
I.N.P., an Infant, and as Representative of the Class of
Infants whose funds from legal cases were not placed in
the highest interest bearing accounts possible despite
Court Orders mandating same,

Plaintiff,

-against-

JP Morgan Chase Bank, N.A.,

Defendant.
-----X

Index No.:

SUMMONS

Plaintiff's Residence:
**211 Cicero Avenue
Bronx, New York 10473**

The basis of the venue
designated as:
Plaintiff's residence

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Carle Place, New York
July 26, 2023

Yours, etc.,

LANDERS & CERNIGLIARO, P.C.
Attorneys for Plaintiff
One Old Country Road – Suite 400
Carle Place, New York 11514
516-742-6000

Defendant's Address:

JP Morgan Chase Bank, N.A.
700 Kansas Lane
Monroe, Louisiana 71203

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GRISSEL NUNEZ, as Parent and Natural Guardian of
I.N.P., an Infant, and as Representative of the Class of
Infants whose funds from legal cases were not placed in
the highest interest bearing accounts possible despite
Court Orders mandating same,

Index No.:

VERIFIED COMPLAINT

Plaintiff,

-against-

**To be referred to
Justice Michael A. Frishman**

JP Morgan Chase Bank, N.A.,

Defendant.
-----X

Plaintiff alleges for her Verified Complaint as follows:

1. Plaintiff resides in Bronx County.
2. Defendant is a foreign corporation.
3. Defendant transacts business within New York State.
4. Defendant has committed a tortious act within New York State in that it failed to comply with an Order of the Hon. Michael A. Frishman dated May 24, 2023, (see the attached) which Order mandated that it open "the highest interest bearing account possible" for the \$200,000.00 settlement check which was payable to "Grissell Nunez as p/n/g of I.P. and an Officer of Chase Bank."
5. On July 7, 2023 Raul Grullon was an employee of the defendant.

6. On July 7, 2023, Raul Grullon, after consulting the Chase Legal Department, refused to open a CD account paying interest of 4.5%, but only opened a savings account paying 0.01% (see the attached).

7. As a result of this failure to comply with the Court Order, the infant plaintiff, and the entire class represented, have been damaged in a sum of money which exceeds the jurisdiction of all lower courts.

8. The class is so numerous that joinder of all members, whether otherwise required or permitted, is impracticable.

9. There are questions of law or fact common to the class which predominate over any questions affecting only individual members.

10. The claims or defenses of the representative parties are typical of the claims or defenses of the class.

11. The representative parties will fairly and adequately protect the interests of the class.

12. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

WHEREFORE, plaintiff demands judgment against defendant, to include the following:

1. Certifying the class;
2. Ordering defendant to immediately convert the savings account opened for the infant plaintiff to a CD account paying the infant the highest current interest rate, including the “relationship rate” as she currently has another account with Chase, number 000003022361240;
3. Actual damages lost by the class because of the lower interest rate given to “court ordered” accounts;


4. Punitive damages; and
5. Attorney's fees, plus costs and disbursements.

Dated: Carle Place, New York
July 26, 2023

Yours, etc.,

LANDERS & CERNIGLIARO, P.C.

Attorneys for Plaintiff


STANLEY A. LANDERS, ESQ.
One Old Country Road - Suite 400
Carle Place, New York 11514
516-742-6000 (Telephone)
516-742-6000 (Facsimile)
landers10m@gmail.com (e-mail)

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

I, the undersigned, an attorney duly admitted to practice law in the State of New York, under penalties of perjury, do affirm:

That I am associated with, or am, the attorney(s) of record, or a partner or member thereof, for plaintiff(s) in the within matter, and make this affirmation in accordance with C.P.L.R. §3020. I have read the within **COMPLAINT** and know the contents thereof to be true to your affirmant's own knowledge, with the exception of those matters therein stated to be alleged upon information and belief, and as to those matters your affirmant believes them to be true. The grounds upon which your affirmant bases his belief regarding those matters not stated upon your affirmant's knowledge are: conversations with plaintiffs and records on file.

This affirmation is made by your affirmant and not by plaintiff(s) because plaintiff(s) is/are not in the county in which your deponent maintains his office.

Dated: Carle Place, New York
July 26, 2023


STANLEY A. LANDERS

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GRISSEL NUNEZ, as Parent and Natural Guardian of
I.N.P., an Infant, and as Representative of the Class of
Infants whose funds from legal cases were not placed in
the highest interest bearing accounts possible despite
Court Orders mandating same,

Index No.:

Plaintiff,

-against-

JP Morgan Chase Bank, N.A.,

Defendant.
-----X

SUMMONS & VERIFIED COMPLAINT

LANDERS & CERNIGLIARO, P.C.

Attorneys for Plaintiff(s)
One Old Country Road - Suite 400
Carle Place, New York 11514
(516) 742-6000 (Telephone)
(516) 742-6066 (Fax)

Undacted

At a Trial Part 34 of the Supreme Court of the State of New York, held in and for the County of Bronx, at the Courthouse located at 851 Grand Concourse, Bronx, New York, on the 24 day of May, 2023.

Seq. # 4
Id. # 2
PRESENT: HON. MICHAEL A. FRISHMAN
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GRISSEL NUNEZ, as Parent and Natural Guardian of
I.N.P., an Infant,

Index No.: 24297/2020E

Plaintiff,

-against-

JULISSA BAEZ, M.D., HEATHER BECKER, M.D.,
JUAN ESTEVEZ, M.D., ST. BARNABAS HOSPITAL,
JUAN T. ESTEVEZ, M.D., P.C., FORDHAM MEDICAL
COMPLEX, INC., and NEW YORK BRONX PEDIATRIC
MEDICINE, P.C.,

INFANT'S COMPROMISE

and ORDER *Appointing*
a Court Referee

Defendants.
-----X

Upon reading and filing of the Guardian Affidavit of Grissel Nunez, mother and natural guardian of the infant herein, duly sworn to the 11th day of April, 2023; the Affirmation of Stanley A. Landers, Esq., attorney for plaintiff, dated the 11th day of April, 2023; and the report of Nila Patel, M.D., dated the 24th day of March, 2023; and it appearing to the satisfaction of the Court that it is in the best interest of Grissel Nunez on behalf of Isabella Paulino to settle and compromise the cause of action against defendants for a total cost to the defendant of \$750,000.00; and upon all papers filed and proceedings had herein;

WHEREAS the plaintiff and the defendants seek judicial approval to settle this action for \$750,000.00,

NOW, THEREFORE, it is

1. **ORDERED**, that the plaintiff and the defendants be, and hereby are, authorized and empowered to execute a settlement agreement to settle this action for a total of \$750,000.00; and it is further

2. **ORDERED**, that the Total Settlement Cost of \$750,000.00 shall be paid by the settling defendants within 21 days of the service of this signed order, as follows:

- (A)(1) The sum of \$190,797.96 to the order of Landers & Cernigliaro, P.C., trial attorneys for the plaintiff, as and for attorneys' fees (\$186,675.51); and all disbursements and expenditures (\$4,122.45) made on plaintiff's behalf; and
- (A)(2) The sum of \$35,264.52 to the order of the New York State Department of Social Services in full satisfaction of the Medicaid Lien.
- (A)(3) The sum of \$200,000.00 payable to Grissel Nunez as p/n/g of Isabella Paulino and an officer of Chase Bank, 784 Castle Hill Avenue, Bronx, New York 10473, to be placed in the highest interest bearing account possible until the infant's 18th birthday.
- (A)(4) The sum of \$200,000.00 payable to Grissel Nunez as p/n/g of Isabella Paulino and an officer of Dime Community Bank, 1931 Turnbull Avenue, Bronx, New York, 10473, to be placed in the highest interest bearing account possible until the infant's 18th birthday.
- (A)(5) The sum of \$123,937.52 payable to Grissel Nunez as p/n/g of Isabella Paulino and an officer of Citibank, 1265 Castle Hill Road, Bronx, New York, 10462, to be placed in the highest interest bearing account possible until the infant's 18th birthday.

and it is further

3. **ORDERED**, that conditioned upon compliance with the terms of this order, the aforesaid parent and natural guardian of the infant plaintiff, be and hereby is authorized and

empowered to execute and deliver a general release and all other instruments necessary to effectuate the settlement herein; and it is further

4. **ORDERED**, that upon payment of the amounts set forth above and execution of the settlement agreement and the assignment agreement, defendants shall have no further liability herein; and it is further

5. **ORDERED**, that the causes of action against defendants shall be discontinued upon execution of a Stipulation of Discontinuance with prejudice; and it is further

6. **ORDERED**, that the filing of a bond be dispensed with in accordance with the applicable provision of the Civil Practice Law and Rules.

OR

ORDERED, that Grissel Nunez file a bond in the amount of \$524,000.00; and it is further

WITHDRAWALS

ORDERED, that no withdrawals shall be made without prior Court approval; and it is further

CONTINUED ON NEXT PAGE

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REFEREE

ORDERED, that MATTHEW GULLIVER, address: 105 BUSHEY AVENUE, YONKERS, NY 10710, telephone: 914-255-1149 email: MGULLIVER875@GMAIL.COM is appointed Court Referee, to examine the Interim and Annual Reports of the Fiduciaries, and it is further

ORDERED, that the Court Referee shall be a party to any applications that the Fiduciaries or any other interested party may hereafter submit to the Court and the Court Referee shall report to the Court as to the merits of any such application; and it is further

FIDUCIARY INTERIM REPORT

ORDERED, that no later than ninety (90) days after the signing of this Order, the Co-Fiduciaries shall file an Interim financial report, to include the opening of the account(s) and its funding in accordance with this Order, and the email addresses for each Corporate Fiduciary with the Guardianship/Fiduciary Dept., Room 216, the Court Referee, and persons entitled to notice; and it is further

BUDGET

ORDERED, that the Fiduciaries within the Interim order to be filed, file a proposed budget for the benefit of *Isabella Paulino*, (if necessary) and the Court Referee upon review of the proposed budget shall file an Order approving proposed budget and fees; and it is further

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ACCOUNTINGS

ORDERED, that no later than **May 31st of each year**, the Fiduciaries shall file with the Guardianship/Fiduciary Department of the Bronx Supreme Court, at 851 Grand Concourse, Bronx, NY 10451, room 216, the appointed Court Referee, and persons entitled to notice an Annual Report concerning the accountings of the Settlement for the preceding calendar year, and it is further

ORDERED, that if the Interim or annual report sets forth any reasons for a change in the powers authorized by the Court, the Fiduciaries shall make an application within ten (10) days of the filing of such report for a change in powers on notice to the persons entitled to such notice; and it is further

ORDERED, that the Fiduciaries shall ensure that all bank account(s) and/or all brokerage accounts to be established shall provide duplicate monthly statements with copies of cancelled checks in imaged formats to the Court Referee assigned herein. The Fiduciaries shall file with the Guardianship/Fiduciary Dept. Bank statements and copies of cancelled checks with their annual accountings.

Proof of compliance with the foregoing shall be filed with the Guardianship/Fiduciary Department of the Bronx Supreme Court, at 851 Grand Concourse, Bronx, NY 10451, room 216 and the Court Referee within 30 days of this Order; and it is further

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ORDERED, that each annual accounting shall include a detailed accounting showing all financial activity in Inventory/cost base value and market value, asset management fees, and preparation fees, including but not limited to, legal and social worker fees and accounting preparation fees; and it is further

ORDERED, that each annual accounting shall include a brief medical and social report of the settlement beneficiary; and it is further

ORDERED, that it shall be the obligation of the Court Referee to verify that the above provisions have been complied with by the Fiduciaries and immediately report any non-compliance to the Court; and it is further

REFEREE REPORTING

ORDERED, that said Court Referee shall, within 30 days after the filing of the aforementioned reports, examine said reports and file a Referee's Order and Report with the Guardianship/Fiduciary Department of the Bronx Supreme Court, at 851 Grand Concourse, Bronx, NY 10451, room 216; and it is further

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FILINGS

ORDERED, that in the event of the death of the settlement beneficiary, the Fiduciaries shall within 20 days of the date of death serve a copy of a Statement of Death with the Guardianship/Fiduciary Department, Room 216 of this Court, the Court Referee, the Representative of the Estate of the beneficiary stated in the will if known, persons entitled to notice and upon the Public Administrator of the County of the Bronx, and it is further

ORDERED, that in the event of the death of the beneficiary of the Settlement, the Fiduciaries shall within 150 days of the date of death serve a Statement of Assets and Notice of Claim upon the Representative stated in the Will or Settlement Instrument if known, or if there be none, upon the Public Administrator of the County of the Bronx, and file a copy of this Statement of Assets and Notice of Claim with the Guardianship/Fiduciary Department, Room 216 of this Court, within the same 150 day period, and it is further

ORDERED, that in the event of the death of the beneficiary of the Settlement, the Fiduciaries within 150 days of the date of death shall deliver all assets, except for property retained by the Fiduciaries to secure any known claims, liens, or administrative costs, to the duly appointed personal representative, or to the Public Administrator; and it is further

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ORDERED, that in the event of the death of the beneficiary of the Settlement, the Fiduciaries shall within 150 days of the date of death, unless extended by order of the Court, proceed to judicially settle the final accounting by Order to Show Cause with the Guardianship/Fiduciary Department Room 216 of this Court, including notice to the person or entity to whom the property was delivered, and it is further

FIDUCIARIES:

ORDERED, that the Corporate Fiduciaries **CHASE BANK**, represents that their current address is: 784 CASTLE HILL AVENUE, BRONX, NY 10473 direct corporate number is: 718-828-6311, and current email address is: **To be included in the Interim report**, **DIME COMMUNITY**, represents that their current address is: 1931 TURNBULL AVENUE, BRONX, NY 10473, direct corporate number is: 718-597-5300 and current email address is: **To be included in the Interim report**, and **CITIBANK**, represents that their current address is: 1265 CASTLE HILL ROAD, BRONX, NY 10462, direct corporate number is: 347-647-9519 and current email address is: **To be included in the Interim report**, and the Individual Co-Fiduciary **GRISSEL NUNEZ**, Mother and Natural Guardian, represents that their current address is: 2011 CICERO AVENUE, 1st FLOOR, BRONX, NY 10473, direct phone number is: 347-600-3737, current email is: nunezgrissel@yahoo.com, that they acknowledge that Court notices may be sent to them by email, and that these messages have the same effect as having received a notice by mail, and it is further

24297/2020E

FILINGS

ORDERED, that in the event of the death of the settlement beneficiary, the Fiduciaries shall within 20 days of the date of death serve a copy of a Statement of Death with the Guardianship/Fiduciary Department, Room 216 of this Court, the Court Referee, the Representative of the Estate of the beneficiary stated in the will if known, persons entitled to notice and upon the Public Administrator of the County of the Bronx, and it is further

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ORDERED, that the Fiduciaries recognize that they may be required to participate in virtual conferences or hearings with reference to the settlement assets, and they will cooperate with scheduling such conferences or hearings, and will fully participate in them; and it is further

ORDERED, that failure of the Fiduciaries to respond to messages sent by the above methods will result in the parties being ordered to appear in person, utilizing whatever Court facilities are established for the purpose of such hearings and conferences being held; and it is further

ORDERED, that the failure of the parties to respond to Court notifications and/or participate in virtual or in-person Court proceedings, or otherwise fail to fulfill the duties of a Fiduciaries or interested party as outlined herein may subject them to removal or a surcharge proceeding, or other measures that the Court may appropriately order; and it is further

ORDERED, that for good cause, an un-redacted copy of this order is material and necessary to effectuate the Order of the Court.

This shall constitute this Court's Order

ENTER


HON. MICHAEL FRISHMAN, J.S.C.

Index No.: 24297/2020E



Certificate of Deposit Receipt

ACCOUNT TITLE

INP UNDER COURT ORDER 5/24/23
GRISSEL NUNEZ AS NATURAL GUARDIAN CASE#
24287/2020E NO WD WO COURT ORDER

ACCOUNT NUMBER 010-008-0704908

DEPOSIT AMOUNT \$200,000.00

TERM 6 Months

ISSUE DATE 07/07/2023

MATURITY DATE 01/07/2024

TYPE OF MATURITY Automatically Renewable

TERM AFTER MATURITY 6 Months

INTEREST RATE 0.01%

ANNUAL PERCENTAGE YIELD 0.01%

INTEREST COMPOUNDING Daily

INTEREST PAYMENT
FREQUENCY At maturity

INTEREST PAYMENT METHOD Capitalize

ADDRESS

2011 CICERO AVE
BRONX, NY 10473-1849
United States/US Territories

TAX PAYER ID NUMBER XXX-XX-8095

ACCOUNT PURPOSE Consumer

TYPE OF OWNERSHIP Court Controlled

ISSUED BY JPMorgan Chase Bank, N.A. (802)
Castle Hill
794
RAUL GRULLON
(718) 320-2956
07/07/2023

PENALTY FOR EARLY WITHDRAWAL NOT TRANSFERABLE OR NEGOTIABLE - This document is not a negotiable instrument and is provided solely for your information. It is not proof of the deposit amount. You cannot transfer this CD except by notifying us. We have no obligation to allow any transfer. You agree that our applicable deposit agreement applies to this account, that you have received a copy, and that we may amend it in the future.